

**OFFICE OF THE HEARING EXAMINER
CITY OF RENTON**

Minutes

APPLICANT: Bill VanEngelenberg
25302 139th Place SE
Kent, WA 98042

OWNER: Bill VanEngelenberg
25302 139th Place SE
Kent, WA 98042

CONTACT: Alexia Dorsch
Barghausen Consulting Engineers
18215 72nd Avenue S
Kent, WA 98042

Kelsey's Crossing Preliminary Plat
File No.: LUA 08-069, PP, ECF

LOCATION: NE corner of SE 192nd Street and 120th Avenue SE

SUMMARY OF REQUEST: Requesting Preliminary Plat approval for the subdivision of a 2.13-acre parcel into 13 lots for the eventual development of single-family residences, with tracts for recreation (Tract B) and stormwater (Tract C).

SUMMARY OF ACTION: Development Services Recommendation: Approve subject to conditions.

DEVELOPMENT SERVICES REPORT: The Development Services Report was received by the Examiner on September 16, 2008.

PUBLIC HEARING: After reviewing the Development Services Report, examining available information on file with the application, field checking the property and surrounding area; the Examiner conducted a public hearing on the subject as follows:

MINUTES

***The following minutes are a summary of the September 23, 2008 hearing.
The legal record is recorded on CD.***

The hearing opened on Tuesday, September 23, 2008, at 9:01 a.m. in the Council Chambers on the seventh floor of the Renton City Hall. Parties wishing to testify were affirmed by the Examiner.

The following exhibits were entered into the record:

<u>Exhibit No. 1:</u> Yellow file containing the original application, proof of posting, proof of publication and other documentation pertinent to this request.	<u>Exhibit No. 2:</u> Neighborhood Detail Map
<u>Exhibit No. 3:</u> Preliminary Plat Plan	<u>Exhibit No. 4:</u> Landscape Plan
<u>Exhibit No. 5:</u> Zoning Map	<u>Exhibit No. 6:</u> ERC Advisory Notes
<u>Exhibit No. 7:</u> Revised Preliminary Plat Plan	

The hearing opened with a presentation of the staff report by Gerald Wasser, Associate Planner, Community and Economic Development Department, City of Renton, 1055 S Grady Way, Renton, Washington 98055. This project is vested to King County regulations and is being processed in the City of Renton. The 2.13-acre site would be subdivided into 13 lots for the eventual development of single-family residences, with tracts for recreation and stormwater. The site was annexed to the City of Renton on March 1, 2008 and is known as the Benson Hills Community Annexation.

King County applicable zoning is R-6. The proposed density would be approximately 6-dwelling units per gross acre. Lots range in size from 3,835 to 6,013 square feet. The site would be accessed off of 120th Ave SE to a proposed 38-foot wide internal street.

The site slopes approximately 2 to 5% to the east and south. Vegetation on the project site consists of low grasses and weeds, with scattered alder and other large trees. The site does not contain critical areas according to the Critical Areas Designation issued by King County Department of Development and Environmental Services (DDES). There are no sensitive areas present on this site.

Environmental Review Committee issued a Determination of Non-Significance. No appeals were filed.

The proposed plat is consistent with the policies of the Comprehensive Plan. The proposed project is within the King County Soos Creek Community Planning Area. It is not in conflict with the goals, guidelines, and policies of the Community Plan for the Soos Creek Area. The lots in the proposed subdivision comply with the minimum requirements of the R-6 zone.

The recommended conditions of approval would insure compliance with the requirements of the King County and State Platting Codes and Statutes.

The proposed lot and street layout is in conformance with King County Code 21A and the 2007 King County Road Design and Construction Standards. Proposed Road A would be 38 feet in width and the proposed access road provided in Tract A would be 20 feet in width. General layout standards specified in King County Code allow the maximum length of blocks to be 1,320 feet and, except for corner lots, lots for single-family detached dwellings shall not have street frontage along two sides unless one of the streets is a neighborhood collector street or arterial street. The minimum lot size in King County Code is 2,500 square feet; minimum lot width is 30-feet. The minimum interior setback is 5-feet and minimum street setback is 10-feet. The road in the private access Tract A would be 20 feet wide with 16-feet of paving and 2-feet of rolled curb and gutters on both sides.

The lots will be served from an internal road (Road A), which would terminate in a temporary cul-de-sac at the east property line. Road A would be developed with rolled curb, gutter and sidewalks on both sides of the street.

Traffic and Fire Mitigation Fees were imposed on this project. The applicant is proposing to provide a 5,072-square foot play area and recreation space (Tract B). King County requires subdivisions to provide children play areas with the recreation space on site. A detailed plan will be required prior to engineering plan approval.

The Renton School District has stated that they can accommodate the additional students generated by this proposal.

The project is located in the Soos Creek basin and is subject to the Conservation Flow Control and Basic Water Quality requirements of the 2005 King County Surface Water Design Manual. Stormwater runoff from sub-basin A currently sheet flows in an easterly direction across the site before reaching the east property line. Runoff then drains into an existing catch basin along the north side of SE 192nd Street, then flows east about 123 feet in an 18-inch concrete pipe. The stormwater runoff from sub-basin B currently sheet flows in an easterly direction across the site and an existing lot before reaching the roadside drainage system along the west side of 121st Place SE. The runoff then flows south towards SE 192nd Street. The runoff from sub-basin A and B recombine and then flows east along the north edge of SE 192nd Street within an 18-inch concrete pipe. Runoff eventually is discharged into an open channel and continues easterly to Soos Creek.

A drainage adjustment has been approved to combine the two onsite sub-basins into one post-development drainage facility. Landscaping in this area would be provided by the applicant.

Water and Sanitary Sewer will be provided by Soos Creek Water and Sewer District. Certificates of Availability have been provided for both water and sewer.

Ivana Halvorsen, Barghausen Consulting Engineers stated that they did concur with the staff report. Lot 3 is smaller than the other lots in the area, it is 40-feet wide (others are 45-feet wide). This has been done to provide a varied mix of housing.

The reason for a revised Preliminary Plat Plan was to allow them to switch Tract B and C. The drainage field became larger than originally thought and so they needed more room. The playfield was squared off and is no longer adjacent to the busy arterial. It appears to be a winning situation for both Tracts.

Regarding the cul-de-sac, if the lots to the east were developed in the future they would extend Road A into their projects consistent with Renton road standards. At that time they would be required to remove the asphalt of the temporary turn around and install sidewalks in that area. The setbacks for Lots 6 and 7 are outside of the cul-de-sac area, that area would just be absorbed into their driveways. In the park, that area would revert to planted grass, unless it was determined that a paved semi-circle was preferable.

Kayren Kittrick, Development Services stated that the 2005 King County Surface Water Design Manual would be the requested manual. The temporary turnaround that has previously been put in did not have a setback. Because it was temporary, there was no setback, but King County may be different.

Approvals of fire and building would be done through the City of Renton and will be under the City of Renton's review.

The **Examiner** called for further testimony regarding this project. There was no one else wishing to speak, and no further comments from staff. The hearing closed at 9:37 a.m.

FINDINGS, CONCLUSIONS & RECOMMENDATION

Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. The applicant, Bill VanEngelenberg, filed a request for a Preliminary Plat.
2. The yellow file containing the staff report, the State Environmental Policy Act (SEPA) documentation and other pertinent materials was entered into the record as Exhibit #1.
3. The Environmental Review Committee (ERC), the City's responsible official issued a Determination of Non-Significance (DNS).
4. The subject proposal was reviewed by all departments with an interest in the matter.
5. The subject site is located at the northeast corner of SE 192nd Street and 120th Avenue SE. It is located in the recently annexed Benson area of the City.
6. The property while located within the City of Renton is entitled to processing under King County zoning and platting regulations. It was initially reviewed by King County with City staff providing secondary review.
7. The map element of the Comprehensive Plan designates the area in which the subject site is located as suitable for the development of detached single-family homes, but does not mandate such development without consideration of other policies of the Plan.
8. The subject site is currently being reviewed under King County's R-6 zoning which permits six units per acre.
9. The subject site was annexed to the City with the adoption of Ordinance 5327 enacted in March 2008.
10. The subject site is approximately 2.13 acres in area.
11. The subject site slopes approximately 2 percent to 5 percent to the east and south. The subject site is located in two drainage sub-basins but has been permitted to channel stormwater in one post-development drainage system.
12. County regulations require review before trees may be removed. Street trees are required according to King County Code.
13. The applicant proposes dividing the subject site into 13 lots and 3 tracts. Tract A would be a private access roadway. Tract B would be for recreation while Tract C would be the stormwater detention area.
14. The plat will generally be aligned north and south of a new public roadway that will end in a temporary cul-de-sac. Proposed Lots 1 to 7 (west to east) will be north of the roadway. South of the public

roadway proposed Lots 8, 9 and 10 will be aligned on the east side or a new private roadway entering the site from SE 192nd Street while Proposed Lots 11, 12 and 13, also south of the public roadway, will be aligned on the west side of this private roadway. Tract A will be the new private roadway. Tracts B and C will be south of the public road and east of the Proposed Lots 8 to 10.

15. The proposed lots will range in size from 3,835 square feet to 6,013 square feet. The lots have the appropriate overall lot area as well as lot width and length. The lots appear to support appropriate yards including the three corner lots, Proposed Lots 1, 11 and 13. Access to the lots will be provided by a new roadway intended to be extended from a temporary cul-de-sac. Staff reports that even with the cul-de-sac function, the affected lots, Lots 6 and 7, have sufficient area and dimensions to support single-family homes.
16. The subject site is located within the Renton School District. The project is expected to generate approximately 6 or 7 school age children. These students would be spread across the grades and would be assigned on a space available basis.
17. The density for the plat would be approximately 6 dwelling units per gross acre.
18. The development will increase traffic approximately 10 trips per unit or approximately 130 trips for the 13 single-family homes. Approximately ten percent of the trips, or approximately 13 additional peak hour trips will be generated in the morning and evening.
19. As noted above, the project has received a Drainage Adjustment under King County regulations. That Adjustment (L08V0030) permits the applicant to combine two sub-basins into one. Stormwater detention facilities do not generally require landscaping under King County regulations but the applicant indicated landscaping would be provided.
20. Both domestic water and sanitary sewer will be provided by the Soos Creek District. Availability certificates for both utilities have been provided.

CONCLUSIONS:

1. It first needs to be stated that as noted above, this plat remains subject to King County rules. Both the land use regulations of King County in terms of lot size and general dimensions as well as the types of conditions imposed by King County on the development of a single family plat such as on-site recreation, street trees, school walkway needs, etc. The plat will be subject to review given the criteria of the former King County jurisdiction and conditions will be imposed as suggested by King County officials.
2. The proposed plat appears to serve the public use and interest. The division of the larger parcel into smaller single-family lots will provide additional detached housing choices for residents in this growing area. At the same time, the plat will provide onsite recreation, stormwater accommodations and roadways to handle the additional traffic.
3. The plat has access to the needed water and sewer utilities, which will be provided by the Soos Creek District. Fire and Police services will be provided by the City.
4. Staff has determined that the new roadway ending in a temporary cul-de-sac will be adequate to provide access and maneuverability. As the roadway is extended and ultimately provides a second means of through access the cul-de-sac would be absorbed into the surrounding lots or tracts. The lots

encumbered by the cul-de-sac appear to be adequate for development of detached single-family homes.

5. The plat will provide a range of lot sizes allowing it to cater to varying demands for both exterior yard space or home size.
6. The development of the plat will help increase property values and increase the tax base of the City.
7. In conclusion, the plat appears to be reasonably designed under King County standards and while somewhat different from current City standards, does not vary much from those standards. The City Council should approve the proposed plat subject to the conditions formulated by King County staff and reviewed by Renton staff.

RECOMMENDATION:

The City Council should approve the 13-lot plat subject to the following conditions:

(The authority for discretionary review and/or modification shall lie with either King County or the City subject to the terms of the inter-local agreement.)

1. Compliance with all platting provisions of Title 19A of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and minimum density requirements of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification or shall be shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of King County Department of Development and Environment Services (DDES).

Any/all plat boundary discrepancy shall be resolved to the satisfaction of King County DDES prior to the submittal of the final plat documents. As used in this condition, "discrepancy" is a boundary hiatus, an overlapping boundary or a physical appurtenance, which indicates an encroachment, lines of possession or a conflict of title.

4. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Design and Construction Standards established and adopted by County Ordinance No. 11187, as amended (2007 KCRDCS).
5. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
6. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval, which represent portions of the drainage requirements. All other applicable requirements in K.C.C. 9.04 and the King County Surface Water Design Manual (KCSWDM) must also be satisfied during engineering and final review.

- a. Drainage plans and analysis shall comply with the 2005 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
- b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
- c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."

7. The drainage facilities shall meet the requirements of the 2005 King County Surface Water Design Manual (KCSWDM). The drainage design shall meet at a minimum the Conservation Flow Control and Basic Water Quality requirements in the KCSWDM.
8. Drainage adjustment L08V0030 has been approved for this project. All conditions of approval for this adjustment shall be met prior to engineering plan approval.
9. The following road improvements are required to be constructed according to the 2007 King County Road Design and Construction Standards (KCRDCS):
 - a. The internal access Road A shall be improved at a minimum to the urban sub-access street standard, with a temporary cul-de-sac at the east end.
 - b. The frontage along SE 192nd Street shall be improved at a minimum to the urban principal arterial street standard. This improvement shall also meet the Street Widening Requirements in Section 4.03 of the KCRDCS.
 - c. Provide 12 feet of additional R/W along the frontage of SE 192nd Street with a 25 ft. R/W radius at the SE 192nd Street/ 120th Ave SE intersection (Lot 11).
 - d. The frontage along 120th Ave SE shall be improved at a minimum to the urban neighborhood collector standard. This improvement shall also meet the Street Widening Requirements in Section 4.03 of the KCRDCS.
 - e. Tract A shall be designed to the private access tract standard per Section 2.09 of the KCRDCS.
 - f. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.12 of the KCRDCS.

10. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
11. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at the final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
12. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to the recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
13. Off-site school walkway:
 - a. 120th Avenue Southeast shall be widened along the east side of the roadway, from the end of the subdivision frontage improvements (approximately mid-point between the plat street and Southeast 191st Street) to the intersection of Southeast 188th Street. The improvements shall consist of a paved walkway that provides a total width of 16 feet (11-foot northbound travel lane plus five (5) feet of walkway surface, of pavement - measured from the centerline of existing roadway to the new edge of pavement. Unless previously constructed in conjunction with the preliminary plat of Wehrman (DDES File #L04P0027), a widened paved shoulder shall be provided at the northeast corner of the intersection of Southeast 188th/120th Avenue Southeast.
 - b. If either (1) the subdivision improvements for the plat of Jessie Glen (DDES File #L05P0005) have been completed and accepted at the time of recordation of the proposed Kelsey's Crossing subdivision, including the off-street connection between SE 189th Place and SE 191st in Jessie Glen, or, (2) the off-site subdivision walkway improvements for the plat of Wehrman have been completed, then no additional walkway improvements are required. If neither set of improvements have been constructed and accepted, then, in addition to the above-noted improvements to 120th Avenue SE:
 - c. Southeast 188th Street (116th Ave SE to 120th Ave Southeast) shall be widened to provide a minimum 16-foot wide paved surface as measured from the construction centerline on either the north side or the south side. This will provide an 11-foot wide travel lane and a five (5)-foot wide paved shoulder. The final location (north side or south side of Southeast 188th Street) will be determined during engineering plan approval.
14. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A. 14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).

- a. A detailed recreation space plan (i.e., location, area calculations, dimensions, landscape specs, equipment specs, etc.) shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of engineering plans.
 - b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
15. A homeowners' association or other workable organization shall be established to the satisfaction of DDES, which provides for the ownership and continued maintenance of the recreation tracts.
16. Street trees shall be provided as follows (per KCRDCS 5.03 and KCC 21A.16.050):
 - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 2007 King County Road Design and Construction Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
 - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners or the homeowners association or other workable organization unless the county has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
 - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
 - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
 - g. The applicant shall contact Metro Service Planning at (206) 684-1622 to determine if SE 192nd Street is on a bus route. If so, the street tree plan shall also be reviewed by Metro.
 - h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.
17. To implement K.C.C. 21A.38.230, which applies to the site, a detailed tree retention plan shall be submitted with the engineering plans for the subject plat. The tree retention plan (and engineering plans) shall be consistent with the requirements of K.C.C. 21A.38.230, as well as the conceptual tree retention plan dated February 25, 2008. No clearing of the subject property is permitted until the final

tree retention plan is approved by LUSD. Flagging and temporary fencing of trees to be retained shall be provided, consistent with K.C.C. 21A.38.230.B.4. The placement of impervious surfaces, fill material, excavation work, or the storage of construction materials is prohibited within the fenced areas around preserved trees, except for grading work permitted pursuant to K.C.C. 21A.38.230.B.4.d. (2).

A note shall be placed on the final plat indicating that the trees shown to be retained on the tree retention plan shall be maintained by the future owners of the proposed lots, consistent with K.C.C. 21A.38.230.B.6. (Note that the tree retention plan shall be included as part of the final engineering plans for the subject plat.)

18. Sprinkler Requirement:

- a. Any future residences constructed on Lots 2 through 9 within this subdivision are required to be sprinkled NFPA 13D unless the requirement is removed by the King County Fire Marshal or his/her designee. The Fire Code requires all portions of the exterior walls of structures to be within 150 feet (as a person would walk via an approved route around the building) from a minimum 20-foot wide, unobstructed driving surface that is not over 150 feet in length if dead-end. Vehicles parked on roadway surfaces or within the cul-de-sac are obstructions.
- b. To qualify for removal of the sprinkler requirement the driving surface of Road A has to have a minimum curb-to-curb width of 36 feet; or if classified as private, Road A will have to be marked/signed as a fire lane per requirements outlined in KCC Title 17.

ORDERED THIS 14th day of October 2008.

FRED J. KAUFMAN
HEARING EXAMINER

TRANSMITTED THIS 14th day of October 2008 to the following:

Mayor Denis Law	Dave Pargas, Fire
Jay Covington, Chief Administrative Officer	Larry Meckling, Building Official
Julia Medzegian, Council Liaison	Planning Commission
Gregg Zimmerman, PBPW Administrator	Transportation Division
Alex Pietsch, Economic Development	Utilities Division
Jennifer Henning, Development Services	Neil Watts, Development Services
Stacy Tucker, Development Services	Janet Conklin, Development Services
Marty Wine, Assistant CAO	Renton Reporter

Pursuant to Title IV, Chapter 8, Section 100G of the City's Code, **request for reconsideration must be filed in writing on or before 5:00 p.m., October 28, 2008.** Any aggrieved person feeling that the decision of the Examiner is ambiguous or based on erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing may make a written request for a review by the Examiner within fourteen (14) days from the date of the Examiner's decision. This

request shall set forth the specific ambiguities or errors discovered by such appellant, and the Examiner may, after review of the record, take further action as he deems proper.

An appeal to the City Council is governed by Title IV, Chapter 8, Section 110, which requires that such appeal be filed with the City Clerk, accompanying a filing fee of \$75.00 and meeting other specified requirements. Copies of this ordinance are available for inspection or purchase in the Finance Department, first floor of City Hall. **An appeal must be filed in writing on or before 5:00 p.m., October 28, 2008.**

If the Examiner's Recommendation or Decision contains the requirement for Restrictive Covenants, the executed Covenants will be required prior to approval by City Council or final processing of the file. You may contact this office for information on formatting covenants.

The Appearance of Fairness Doctrine provides that no ex parte (private one-on-one) communications may occur concerning pending land use decisions. This means that parties to a land use decision may not communicate in private with any decision-maker concerning the proposal. Decision-makers in the land use process include both the Hearing Examiner and members of the City Council.

All communications concerning the proposal must be made in public. This public communication permits all interested parties to know the contents of the communication and would allow them to openly rebut the evidence. Any violation of this doctrine would result in the invalidation of the request by the Court.

The Doctrine applies not only to the initial public hearing but to all Requests for Reconsideration as well as Appeals to the City Council.